

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>7/16/2019</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DANIEL DE LUNA HERNANDEZ, *et. al.*,

Plaintiffs,

-v-

CITY CATERING CAFE INC., *et. al.*,

Defendants.
-----X

ORDER

18-CV-3919 (JLC)

JAMES L. COTT, United States Magistrate Judge.

The parties in this wage-and-hour case have consented to my jurisdiction under 28 U.S.C. § 636(c) for purposes of reviewing their proposed settlement (Dkt. No. 44) and have now submitted a joint letter in support of settlement (Dkt. No. 49) along with their proposed agreement (Dkt. No. 49-1) for my approval under *Cheeks v. Freeport Pancake House*, 796 F.3d 199 (2d Cir. 2015). In this case, plaintiff alleged violations of the minimum wage and overtime provisions of the Fair Labor Standards Act (“FLSA”) and New York Labor Law. The parties participated in a court-ordered mediation and thereafter agreed to the following terms: (1) a settlement amount of \$18,000; (2) a mutual release of all wage-and-hour claims; and (3) attorneys’ fees of \$6,000.

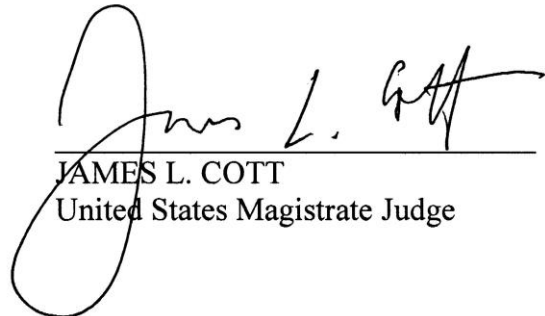
Courts generally recognize a “strong presumption in favor of finding a settlement fair” in cases like this one brought under the FLSA, as they are “not in as good a position as the parties to determine the reasonableness of an FLSA

settlement.” *Souza v. 65 St. Marks Bistro*, No. 15-CV-327 (JLC), 2015 WL 7271747, at *4 (S.D.N.Y. Nov. 6, 2015) (citation omitted).

Having carefully reviewed the joint letter in support of settlement as well as the proposed settlement agreement, the Court finds that all the terms of the proposed settlement (including the allocation of attorneys’ fees) appear to be fair and reasonable under the totality of the circumstances and in light of the factors enumerated in *Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332, 335 (S.D.N.Y. 2012), a case considered to be a touchstone in evaluating wage-and-hour settlements. Among other things, the agreement appears to be “the product of arm’s-length bargaining between experienced counsel.” *Id.* Accordingly, the settlement is hereby approved. The parties are directed to submit a stipulation of dismissal and file it on the docket within 30 days of the date of this Order.

SO ORDERED.

Dated: July 16, 2019
New York, New York



JAMES L. COTT
United States Magistrate Judge